

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8966 OF 2004

P.Nandrajan & Anr. .. Petitioners
Versus
The State of Maharashtra & Ors. .. Respondents

Mr.P.S.Dani i/b. Vijay Patil for petitioners
Mr.R.M.Patne, A.G.P. for respondent Nos. 1 to 4
Mr.Pradeep J. Singh for respondent No.6
Mr.Sanjay K.Shrivastav & G.V.Katar for
respondent No.5

CORAM : S.C.DHARMADHIKARI, J.
DATE : 10th December 2007

P.C.

. This petition challenges an order passed by the Secretary (Cooperation), Government of Maharashtra, dismissing the revision application filed by the petitioner against the order dated 3rd November 2003 of the Divisional Joint Registrar, C.S.Maharashtra.

2. The matter proceeded before the Revisional Authority on the basis that the Administrator called subject general meeting on 23rd June 2002 and more than 3/4th of the members present in the meeting, passed a resolution to liquidate the society. An application was made to the Dy. Registrar on 25th June 2002 and he after hearing all parties passed the final order of liquidation on 19th August 2002. An appeal was preferred against that order which was dismissed on 3rd November 2003 by the Divisional Jt.Registrar, C.S.Mumbai. There was a dispute with regard to the land/property being the property belonging of the subject society or that the rights of Vaity family intervening in the same. The argument before the parties was that there was a conveyance in favour of the society which has not been accepted.

3. My attention is invited by Mr.Dani to the proceedings before the Coop.Court inasmuch as

there a dispute was filed by the petitioner, the Court Receiver was appointed and his appointment also has been confirmed right through out, after prima facie accepting the case that the subject property belongs to the coop.society. My attention is invited by Mr.Dani to the order passed by this Court in W.P.1933 of 2004 and W.P.1934 of 2004 along with other petitions. Learned Single Judge has held that the subject plot which is forming part of the sale deed dated 18th August 1989, exclusively belongs to the society inasmuch as the sale deed is valid. A reference is also made to some declarations and other documents. This Court, therefore, has, according to Mr.Dani removed the impediments in the society holding the property. Consequently, in the light of the further developments, the order of liquidation should not be passed and according to Mr.Dani, in the peculiar facts of this case, management of the society needs to be restored to the members by removing the

Administrator.

4. The Administrator has also been put to notice and the learned Advocate appearing for the Liquidator/Administrator states that he has noted the subsequent development and he would have no objection if the liquidation proceedings are quashed and set aside.

5. Equally, the original applicant before the Dy.Registrar also has no objection in that regard.

6. In the light of this development, all parties agree that the orders impugned in this petition be quashed and set aside. Accordingly, they stand quashed and set aside. The Dy.Registrar to now take such steps as are permissible in law for restoration of the management of the society to the members.

(S.C.Dharmadhikari, J)